

Subject: Access to the files concerning the Lockerbie air disaster (HH55/1936, HH55/1942, HH56/133 and SOE14/289).

FOI reference: FOI/18/03238

Date received: 04 November 2018

Date responded: 14 December 2018

Information requested:

Access to the files concerning the Lockerbie air disaster (HH55/1936, HH55/1942, HH56/133 and SOE14/289).

NRS Response:

As highlighted in our letter of 09 November 2018, HH55/1936 contains information identified as falling under the UK Freedom of Information Act 2000. To request access to it whilst closed, an FOI request needs to be submitted to the Office of the Secretary of State for Scotland. The contact details are as follows:

Office of the Secretary of State for Scotland
Freedom of Information Officer
UK Government
1 Melville Crescent
Edinburgh
EH3 7HW
United Kingdom
Email: foi@scotlandoffice.gsi.gov.uk.

A sensitivity review has been undertaken on HH55/1942, HH56/133 and SOE14/289 by the Scottish Government. As a result file SOE14/289 is now open for public inspection and can now be viewed in digital format in the Historical Search Room at General Register House, Edinburgh.

The Knowledge and Information Management Branch of the Scottish Government undertook a sensitivity review of HH55/1942 and decided to redact some information in the file due to sensitivity issues. An exemption under section 38(1)(b) of FOISA applies to this information because it is personal data of third parties and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption. This file can be viewed in digital format at the Historical Search Room in General Register House, Edinburgh.

HH56/133 has also been reviewed by Knowledge and Information Management Branch of the Scottish Government. This file contains information regarding the

awarding of honours by H.M. the Queen in relation to the Lockerbie air disaster and is therefore exempt under section 41(1)(b) of FOISA. This exemption is subject to the public interest test and the Knowledge and Information Management Branch of the Scottish Government has decided that the public interest in withholding some of the information outweighs the public interest in disclosing it as there is a significant public interest in preserving the integrity of the process by which people are nominated for honours, allowing deliberations based on full information and fully expressed views. The exempt information has been redacted and the file can also be viewed in digital format in the Historical Search Room at General Register House, 2 Princes Street, Edinburgh, EH1 3YY. Further information is available on our website at: <https://www.nrscotland.gov.uk/research/visit-us/historical-search-room>.

Under section 25(1) of FOISA, we do not have to provide information if it is already reasonably accessible by inspection or copying, even if a payment has to be made for it.